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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,792	10/14/2003	James Vlaanderen	00868P0026US	2996

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
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CHICAGO, IL 60661

EXAMINER

ADAMS, GREGORY W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/684,792

Applicant(s)

VLAANDEREN ET AL.

Examiner

Gregory W. Adams

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Referring to claim 1, page 18, line 19, the "short link joined to said object support" must be shown or the feature(s) canceled from the claim(s). See also claim 13, page 22, line 22. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, page 17, lines 13-16, it is unclear whether a pivot or a linkage or a part [of a frame] define a short link or whether a pivot, linkage, and part of frame define a short link. With respect to page 18, lines 17-20, it is unclear whether a pivot or a linkage or a part [of an object support] define a short link or whether a pivot, linkage, and part of frame define a short link.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagenbuch et al. (US 6,439,668).
6. With respect to claim 1, referring to FIGS. 17-26 Hagenbuch et al. disclose a transporter and storage unit 110 having a frame 116, front 121, rear 121, ground engaging means 18, elongated object supports, 122,30, linkages 182, long links 184,

Art Unit: 3652

186, short links, 121,122,123,124, wherein the object supports 122,30 and front 121, and rear 121 define short links.

7. With respect to claim 2, referring to FIGS. 17-26 Hagenbuch et al. disclose object supports 122,30 on the same side, and long links 184 of one linkage pair are longer than the long links 186 of the other linkage pair.

8. With respect to claim 3, referring to FIGS. 17-26 Hagenbuch et al. disclose an object support 122,124,30 is located on one of said opposite sides and the other of said object support 122,30 is located to the other of said opposite sides.

9. With respect to claim 4, referring to FIGS. 17-26 Hagenbuch et al. disclose extendible motors 180.

10. With respect to claim 5, referring to FIGS. 17-26 Hagenbuch et al. disclose object support rests 126.

11. With respect to claim 6, referring to FIGS. 17-26 Hagenbuch et al. disclose 4 object supports 122,30, two to a side.

12. With respect to claim 7, referring to FIGS. 17-26 Hagenbuch et al. disclose vertically separated object supports 122,30.

13. With respect to claim 8, referring to FIGS. 17-26 Hagenbuch et al. disclose lower object support 122 shorter than upper object support 30.

14. With respect to claim 9, referring to FIGS. 17-26 Hagenbuch et al. disclose long links 184 of lower object support 122 are shorter than long links 186 of upper object support 30.

Art Unit: 3652

15. With respect to claim 10, referring to FIGS. 17-26 Hagenbuch et al. disclose a fluid motor 180.

16. With respect to claim 11, referring to FIGS. 17-26 Hagenbuch et al. disclose object supports 122,30 on same side, and an end plate 122.

17. With respect to claim 12, referring to FIGS. 17-26 Hagenbuch et al. disclose object supports 122,30 having support bars 125,126.

18. With respect to claim 13, referring to FIGS. 17-26 Hagenbuch et al. disclose a transporter and storage unit 110 having a frame 116, ground engaging means 18, elongated cradles 122,30, linkages 18, long links 180,184,186, short links 121,122,123,124, pivots on end 121, and pivots on cradle 122,30. Hagenbuch et al. discloses long links 186 for one cradle 30 longer than the long links 184 for the other cradle 124.

19. With respect to claim 14, referring to FIGS. 17-26 Hagenbuch et al. disclose pivots 124 shared by linkages on one side. It is noted that pivot defines a "[a] short rod or shaft on which a related part rotates or swings. " The American Heritage® Dictionary of the English Language, Fourth Edition, Copyright © 2000 by Houghton Mifflin Company.

20. With respect to claim 15, referring to FIGS. 17-26 Hagenbuch et al. disclose long links 180 formed as channels, opening towards each other and including extendible motors 188 for each linkage.

21. With respect to claim 16, referring to FIGS. 17-26 Hagenbuch et al. disclose a transporter and storage unit 110 having a frame 116, cross members, elongated

Art Unit: 3652

stringer, upright element 120, cross members 121, parallelogram linkages comprising four long links 180,184, four intermediate links 124,186,188 and short links 121,122,123, four (4) cradles 122,30, two for each side, stub shafts for connecting linkage, end plats 124 that define a short link. It is noted that Hagenbuch et al. presumes that the connection from the cradles 122,124,30 to linkages 18, 182 requires a stub shaft. It is also noted that Hagenbuch et al. define a range of motion from vertical to horizontal, and is not limited to merely touching the ground.

22. With respect to claim 17, referring to FIGS. 17-26 Hagenbuch et al. disclose a long links 180,184 as channels, intermediate links 186,188 as channels, fluid cylinder motors 189 housed within channels 188.

23. With respect to claim 18, referring to FIGS. 17-26 Hagenbuch et al. disclose a support member 122,30 are spaced bars 125, 126.

### ***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 3,964,791 to Griffis shows side discharging support objects by fluid cylinder powered linkage and cradles.

US 5,265,940 to Ostermeyer and US 5,249,903 to Green et al. show cradle configurations.

US 6,478,522 to Babb shows upper/lower cradle configurations actuated by fluid cylinder powered linkages.

US 6,537,008 to Haring shows left and right hand cradle configurations.

JP408319006A to Tokuno, Nobuo shows an object support articulating between vertical resting position and substantially engaging the underlying terrain.

Art Unit: 3652

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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